

REMARKS

Claim objections

Claim 3 has been objected to because a semicolon is missing. Applicant has added the missing semicolon.

Claim 17 has been objected to because “media” should be “medium.” Applicant has made this correction.

Applicant notes that these amendments are made to correct simple typographical errors in the claims, and are not made to overcome any rejection. Therefore, if the Examiner makes a prior art rejection in the next office action over a reference that is not currently of record, she cannot make this office action a final office action on the basis that Applicant’s amendments necessitated the new ground of rejection. Applicant’s amendments, in other words, are strictly clerical, and are not made to overcome any ground of rejection.

Claim rejections under 35 USC 101

Claims 10-22 have been rejected under 35 USC 101 as being directed to non-statutory subject matter. In particular, the Examiner has asserted that computer-readable medium in question does not impart functionality to a computer or computing device, and is thus considered nonfunctional descriptive material. Applicant strongly disagrees.

It is noted that the claims in question are actually directed to a “computer readable medium including instructions executable by a processor,” where the instructions include various types of particularly recited functionality. The MPEP states that “a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program’s functionality to be realized, *and is thus statutory*.” (MPEP sec. 2106.01.1.) Further, “USPTO personnel should determine whether the computer program is being claimed as part of an otherwise statutory manufacture or machine. In such a case, the claim

remains statutory irrespective of the fact that a computer program is included in the claim.” (Id.) “Only when the claimed invention taken as a whole is directed to a *mere programming listing*, i.e., to only its description or expression, is it descriptive material *per se* and hence nonstatutory.” (Id.)

In light of the above, it should be clear that claims 10-22 are directed to statutory subject matter. They specifically recite a computer-readable medium that includes instructions for operating a computer, and, consistent with MPEP sec. 2106.01.I, “define[] structural and functional interrelationships . . . which permit the computer program’s functionality to be realized, and is thus statutory.” In contradistinction to the Examiner’s assertion, the computer-readable medium in fact explicitly *does* impart functionality to a computer or a computing device – the computer-program instructions stored on the medium are “executable by a processor,” imparting functionality to the computer or computing device of which this processor is a part. Claims 10-22 remain statutory “irrespective of the fact that a computer program is included in the claim.” Claims 29-31 do not recite “a mere programming listing,” and thus are not descriptive material *per se*.

Prior art rejections as to claims 1-9

Claim 1 is an independent claim, from which claims 2-9 ultimately depend. Claims 1-4 and 6-9 have been rejected under 35 USC 102(e) as being anticipated by Barry (6,707,563). Claim 5 has been rejected under 35 USC 103(a) as being unpatentable over Barry in view of Eisele (2002/0109869). Applicant respectfully submits that claim 1 is patentable over Barry. Therefore, claims 2-9 are patentable at least because they depend from an independent base claim.

Claim 1 is particularly limited to “requesting the RIP engine to perform dynamic configuration of at least one RIPing parameter when the RIPing parameter is not congruent to a RIP manager supplied processing preference.” Claim 1 is further particularly limited to “the dynamic configuration being requested in consideration of the RIP engine RIPing a particular

portion of the print job.” Applicant submits that Barry does not teach, disclose, or suggest these limitations of claim 1.

With respect to the claim limitation of “requesting the RIP engine to perform dynamic configuration of at least one RIPing parameter when the RIPing parameter is not congruent to a RIP manager supplied processing preference,” the Examiner has stated that Barry discloses this limitation in column 4, line 64, through column 5, line 11. This portion of Barry reads as follows:

Once the pages are stored in the pace buffer 24, then the pages are sent to an image task manager 26 to determine how to organize the pages. This operates in conjunction with an engine manager 28 to determine which of the print engines 16 the job is to be passed to. In order to effectively increase the throughput from the engine manager 28, there are provided interface circuits 32 which are referred to as Peripheral Connect Interface (PCI) adaptors. Each print engine 16 has a PCI 32 associated therewith. Therefore, the engine manager 28 interfaces with the PCIs 32 through a parallel bus 36, such that data can be transferred thereto at a fairly high data rate, which is the bus transfer data rate of the processor 14. The PCIs 32 therefore provide an increased rate of transfer to the print engine 16. The print engines 16 then place their output into a separate output bin 40 for each of the print engines 16.

Applicant respectfully submits that this portion of Barry does not disclose, teach, or suggest the claim limitation in question in any respect. First, and most importantly, Barry does not even disclose a RIP engine in this excerpt. The only RIP engine in Barry is the RIP engine 22; once ripping has occurred, it is only then that the managers 26 and 28 perform their functionality to parse the RIPed print job to the print engines 16 for printing. (See col. 4, ll. 62-67.) *Applicant requests that the Examiner show where in Barry the print engines 16 are described as performing any type of RIP operation.*

Furthermore, Barry does not request a RIP engine *to perform dynamic configuration of at least one RIPing parameter*, in contradistinction to the claimed invention. At best, Barry simply has its engine manager 28 requesting that a given RIP engine 16 perform a job; the print engines 16 are not requested to, and do not, perform dynamic configuration of at least one RIPing parameter. In fact, this excerpt of Barry does not disclose any RIPing parameters at all, as has

been discussed; the print engines 16 print a given document after the RIP engine 22 has performed RIPing – the print engines 16 themselves do not perform RIPing in Barry. (See col. 4, ll. 61-67.) Furthermore, in the claimed invention, the RIP engine is requested to perform dynamic configuration of at least one RIPing parameter *when the RIPing parameter is not congruent to a RIP manager supplied processing preference*. Barry does not disclose this condition in any way whatsoever. In fact, this excerpt of Barry does not disclose a RIP manager supplied processing preference at all. At a minimum, to sustain a *prima facie* case of anticipation, the Examiner has to explain *how* Barry requests a RIP engine to perform a dynamic configuration of at least one RIPing parameter when the RIPing parameter is not congruent to a RIP manager supplied processing preference, what these RIPing parameters are in Barry, what the RIP manager supplied processing preference is in Barry, and importantly what the RIP engine is in Barry.

With respect to the claim limitation of “the dynamic configuration being requested in consideration of the RIP engine RIPing a particular portion of the print job,” the Examiner has stated that Barry discloses this limitation in column 4, line 64, through column 5, line 11. This portion of Barry reads as follows:

As will be described hereinbelow, the image task manager 26 is operable to arrange the copies such that they can be placed in the output bins 40 in a predetermined order. For example, if there were two print engines, each with a 100 sheet paper supply and four print jobs of 50 copies each were to be sent to the printers and the workstation 10, the system of the present invention would parse these print jobs such that the first two print jobs went to the first print engine and the second two print jobs went to the second print engine. If, alternatively, the two print engines with the one hundred sheet paper supplies handled two print jobs, one at a 150 sheets and one at 50 sheets, then the first print engine would receive the first 100 sheets from the first print job, the second print engine would receive the first 50 sheets of the first print job and the second 50 sheets of the second print job. However, they would be sent to the printer in such a manner that when the paper output trays were unloaded and stacked together, the jobs would be arranged in the appropriate manner. Therefore, even though there are multiple printers, to the user they appear as a virtual single printer. All decision making is made in the processor 14.

Applicant respectfully submits here as well that this portion of Barry does not disclose, teach, or suggest the claim limitation in question in any respect. First, and most importantly, Barry does not even disclose a RIP engine in this excerpt either. The only RIP engine in Barry is the RIP engine 22; once ripping has occurred, it is only then that the managers 26 and 28 perform their functionality to parse the RIPPed print job to the print engines 16 for printing. (See col. 4, ll. 62-67.) *Applicant requests that the Examiner show where in Barry the print engines are described as performing any type of RIP operation.*

Furthermore, Barry does not indicate that the dynamic configuration is requested in consideration of the RIP engine RIPPING a particular portion of the print job, in contradistinction to the claimed invention. At best, Barry simply has its task manager 26 parse out different portions of a print job to different print engines (after RIPPING has occurred by the RIP engine 22, as indicated in column 4, lines 62-67 of Barry, as has been discussed); these print engines are not requested to, and do not, perform dynamic configuration in consideration of a RIP engine RIPPING a particular portion of the print job. In fact, this excerpt of Barry does not disclose requesting of any type of dynamic configuration at all. At a minimum, to sustain a *prima facie* case of anticipation, the Examiner has to explain *how* Barry has its dynamic configuration being requested in consideration of the RIP engine RIPPING a particular portion of a print job, what this dynamic configuration is in Barry, and importantly what the RIP engine is in Barry.

For the foregoing reasons, Barry does not anticipate claim 1.

Prior art rejections as to claims 10-16

Claim 10 is an independent claim, from which claims 11-16 ultimately depend. Claims 10-16 have been rejected under 35 USC 102(e) as being anticipated by Barry. Applicant respectfully submits that claim 1 is patentable over Barry. Therefore, claims 11-16 are patentable at least because they depend from an independent base claim.

Claim 10 is particularly limited to “communicating . . . RIPing parameters to a RIP engine.” Claim 10 is further particularly limited to such communication of RIPing parameters to a RIP engine so as “to direct the RIP engine to automatically configure its RIPing operations to conform to the RIPing parameters.” Applicant submits that Barry does not teach, disclose, or suggest these limitations of claim 10.

The Examiner has stated that Barry discloses these limitations in column 14, lines 7-29. This portion of Barry reads as follows:

The color job would then be defined as a single group and would be submitted to a color virtual engine, wherein the black and white job would be grouped separately and submitted to a high speed virtual engine. Each of the color virtual engines and black and white virtual engines are a combination of multiple engines. As an example, a high speed black and white engine is provided that is assumed to be four times faster than the black and white mode of the color engines. In the virtual job router, two jobs would be generated as illustrated in Tables 4 and 5.

(Tables 4 and 5 omitted.) Applicant respectfully submits that this portion of Barry does not disclose, teach, or suggest the claim limitations in question in any respect. First, and most importantly, Barry does not disclose a RIP engine in this excerpt either. The only RIP engine in Barry is the RIP engine 22; once ripping has occurred, the print engines (i.e., the actual print engines that make up the virtual engines) print the RIPed print jobs. (See, e.g., col. 4, ll. 62-67.) *Applicant requests that the Examiner show where in Barry the virtual engines are described as performing any type of RIP operation.*

Furthermore, Barry does not indicate here that RIPing parameters are communicated to a RIP engine, and does not indicate that such communication is made to direct the RIP engine to automatically configure its RIPing operations to conform to the RIP parameters, in contradistinction to the claimed invention. Barry just discloses how a color and black-and-white virtual engines can each be a combination of multiple engines. As has been discussed, these virtual and actual engines are not actually described in Barry as being RIP engines – in fact, they are print engines, which print a print job after the job has been ripped by the RIP engine 22 in

Barry. (See col. 4, ll. 62-67 in Barry.) This excerpt of Barry thus does not disclose requesting of any type of communication of RIPing parameters to a RIP engine, nor any type of such communication to direct the RIP engine to automatically configure its RIPing operations to conform to the RIPing parameters. At a minimum, to sustain a *prima facie* case of anticipation, the Examiner has to explain *how* Barry communicates RIPing parameters to a RIP engine, *how* such communication is to direct the RIP engine to automatically configure its RIPing operations to conform to the RIPing parameters, what these RIPing parameters are in Barry, what this automatic configuration is in Barry, and importantly what the RIP engine is in Barry.

For the foregoing reasons, Barry does not anticipate claim 10.

Prior art rejections as to claims 17-22

Claim 17 is an independent claim, from which claims 18-22 ultimately depend. Claims 17-18 and 21-22 have been rejected under 35 USC 102(e) as being anticipated by Barry. Claims 19 and 20 have been rejected under 35 USC 103(a) as being unpatentable over Barry in view of Eisele. Applicant respectfully submits that claim 17 is patentable over Barry. Therefore, claims 18-22 are patentable at least because they depend from an independent base claim.

Claim 17 is particularly limited to a RIP engine “receiving . . . a request to configure RIPing operations in accordance with one or more parameters specified by [a] RIP manager.” Claim 17 is further particularly limited to “responsive to receiving the request, the RIP engine configuring RIPing operations based on the one or more parameters.” Applicant submits that Barry does not teach, disclose, or suggest these limitations of claim 17.

The Examiner has stated that Barry discloses these limitations in column 12, lines 24-32. This portion of Barry reads as follows:

In Table 3, the black and white pages have been grouped and printed on engines 1 and 2 and the color pages have been grouped and printed on engines 3 and 4. As such, there are no penalty hits due to mode changes, since each engine is never required to change modes. In order to achieve this configuration, of course, it is

necessary to know whether or not a page contains color information. This information is determined after the RIP operation in the RIP 22, as described hereinabove.

Applicant respectfully submits that this portion of Barry does not disclose, teach, or suggest the claim limitations in question in any respect. First, and most importantly, Barry does not disclose a RIP engine in this excerpt either. The only RIP engine in Barry is the RIP engine 22; once ripping has occurred, it is only then that the engines 3 and 4 print the RIPPed print jobs. (See col. 4, ll. 62-67.) *Applicant requests that the Examiner show where in Barry the engines 3 and 4 are described as performing any type of RIP operation.*

Furthermore, Barry does not indicate here that a RIP engine receives a request to configure RIPing operations in accordance with one or more parameters specified by the RIP manager. Indeed, the configuration in question in this portion of Barry is performed by the engines 3 and 4 – which as has been discussed are print engines and not RIP engines – on the basis of information “that is determined *after* the RIP operation in the RIP 22.” (See also col. 4, ll. 62-67.) Therefore, Barry does not disclose a RIP engine receiving a request to configure RIP operations, since its configuration is performed after the RIP operations have occurred. That is, Barry does not disclose “the RIP engine configuring RIPing operations based on the one or more parameters received,” because it does not perform its configuration until after the RIP operations have occurred.

For the foregoing reasons, Barry does not anticipate claim 17.

Conclusion

Applicants have made a diligent effort to place the pending claims in condition for allowance, and request that they so be allowed. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Mike Dryja, Applicants' Attorney, at 425-427-5094, so that such issues may be resolved as expeditiously as possible. For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,



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Date

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